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October 22, 2024

**BY CM/ECF**

**MEMO ENDORSEMENT.**

The motion is granted.

10/22/2004

SO ORDERED.



LEWIS J. LIMAN  
United States District Judge

The Honorable Lewis J. Liman  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

*Re:* *United States v. Neil Phillips, 22 Cr. 138 (LJL)*

Dear Judge Liman:

The parties write to jointly request, pursuant to Federal Rule of Appellate Procedure 10(e)(2)(A) and (B), that the Court supplement the docket for the record on appeal to include the draft and revised jury instructions provided to the parties during trial.

FRAP 10(e) provides that, “[i]f anything material to either party is omitted from . . . the record by error or accident, the omission . . . may be corrected and a supplemental record may be certified and forwarded: (A) on stipulation of the parties; (B) by the district court before or after the record has been forwarded; or (C) by the court of appeals.” Fed. R. App. P. 10(e)(2). The parties have stipulated to and agreed that the Court should supplement the docket with (1) the Draft Jury Charge dated October 16, 2023 (Exhibit A); (2) the revised, clean Draft Jury Charge dated October 21, 2023 (Exhibit B); and (3) the revised, redlined Draft Jury Charge dated October 21, 2023 (Exhibit C).

The draft and revised instructions are material to Defendant-Appellant’s appeal. The District Court provided those instructions to the parties by email but did not include them on the record as court exhibits. And those instructions are material, in part, because Defendant-Appellant’s appeal will challenge the final jury instructions, and the requested material provides context necessary to fully consider that issue.

Accordingly, the parties stipulate to and jointly move this Court to add the documents marked as Exhibits A, B, and C to the record pursuant to FRAP 10(e). The parties’ stipulation is appended to this letter motion as Exhibit D.

We thank the Court for its consideration of this request.

Hecker Fink LLP

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Respectfully submitted,



Sean Hecker